

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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**ING BANK, fsb (d/b/a ING DIRECT), and  
ING DIRECT BANCORP,**

**Plaintiffs,**

**v.**

**EVERBANK,  
EVERBANK FINANCIAL CORP., and  
STONE & WARD, INC. (d/b/a/ STONE WARD),**

**Defendants.**  
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X

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**Civil Action No. 07-154-GMS**

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X

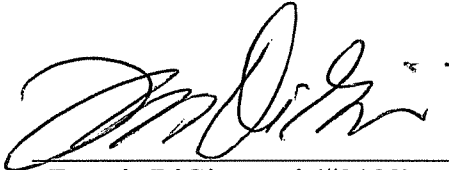
**AFFIDAVIT OF MAILING PURSUANT TO 10 DEL. C. § 3104 AND D. DEL. LR 4.1(b)**

FRANCIS DIGIOVANNI, after first being duly sworn, on this 3<sup>rd</sup> day of April, 2007,  
does depose and say:

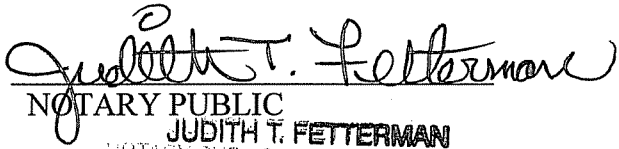
1. I am an attorney with the law firm of Connolly Bove Lodge & Hutz LLP and  
represent plaintiffs in the above captioned action.

2. On March 22, 2007, I caused a copy of the Complaint, the Summons for  
nonresident defendant EverBank, and letter addressed to nonresident defendant EverBank, and  
containing the information required by 10 Del. C. § 3104, to be forwarded, via Registered Mail,  
to defendant EverBank, pursuant to 10 Del. C. § 3104. The Registered Mail receipt for said  
package is attached hereto as Exhibit "A."



3. The package referenced in paragraph 2, was received by EverBank and signed for on March 26, 2007. The confirmation/tracking form received from the United States Postal Service is attached hereto as Exhibit "B."

  
Francis DiGiovanni (#3189)

Sworn to and subscribed before me this 3<sup>rd</sup> day of April, 2007.

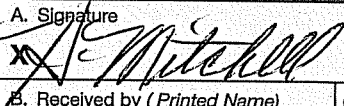
  
NOTARY PUBLIC  
JUDITH T. FETTERMAN  
NOTARY PUBLIC, STATE OF DELAWARE  
MY COMMISSION EXPIRES APRIL 5, 2010

**EXHIBIT A**

<b>Registered No.</b> RB 972 232 370 US		<b>Date Stamp</b> MAR 22 2007 WILMINGTON DE 19801	
<b>To Be Completed By Post Office</b>	Reg. Fee 7.90	Return Receipt 1.85	
	Handling Charge		
	Postage 1.83	Restricted Delivery	
	Received by 		
	Customer Must Declare Full Value \$ 		<input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance
<b>OFFICIAL USE</b>			
<b>To Be Completed By Customer (Please Print)</b> All Entries Must Be in Ballpoint or Typed	<b>FROM</b>	Francis D. Giovanni Connolly Bove Lodge & Hutz 1007 N. Orange St., P.O. Box 2207 Wilmington, DE 19899 Ever Bank	
	<b>TO</b>	8100 Nations Way Jacksonville, FL 32256	

PS Form 3806, **Receipt for Registered Mail** Copy 1 - Customer  
 May 2004 (7530-02-000-9051) (See Information on Reverse)  
 For domestic delivery information, visit our website at [www.usps.com](http://www.usps.com)®

**EXHIBIT B**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature   <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
		<p>B. Received by (Printed Name) _____ C. Date of Delivery <u>03-26-07</u></p>	
<p>1. Article Addressed to:</p> <p><u>EverBank</u>  <u>8100 Nations Way</u>  <u>Jacksonville, FL 32256</u></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number          (Transfer from service label) <u>RB 972 232 370 US</u></p>			
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540</p>			